



7-19-01

427.010-1-DIV-2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
BIGG et al
Serial No.: 612,382
Filed: July 7, 2000
For: NEW...CONTAINING THEM

: B. Kifle
:
: Group: 1624
:
:

600 Third Avenue
New York, N.Y. 10016
July 18, 2001

PETITION TO WITHDRAW ABANDONMENT

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition the Commissioner of Patents to withdraw the abandonment of July 11, 2001 of the above-identified application since the abandonment was unintentional. Applicants attempted to file a RCE application but in the paper dated June 27, 2001, it was noted that a continuation under 37 CFR 1.114 does not apply to an application unless the prosecution is closed. Applicants are submitting herewith a response to the outstanding office action as well as PTO Form-2038 authorizing the \$1,240.00 fee for the unintentionally abandoned application. Therefore, revival of the application is requested.

Respectfully submitted,
Bierman, Muserlian and Lucas

07/24/2001 GTEFFERA 00000044 09612382

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1240.00 OP

By:

Charles A. Muserlian #19,683
Attorney for Applicants
Tel.# (212) 661-8000

CAM:ds
Enclosures

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In re Application of: : B. Kifle
BIGG et al :
Serial No.: 612,382 : Group: 1624
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For: NEW...CONTAINING THEM :

600 Third Avenue
New York, N.Y. 10016
July 18, 2001

REQUEST FOR REFUND

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant request that the fee of \$710.00 filed with the Request for Continued Examination be credited to the deposit account No. 02-2275 of the undersigned attorneys since the Patent Office refused the Request for the Continued Examination as can be seen from the copy of the paper filed herewith.

Respectfully submitted,
Bierman, Muserlian and Lucas

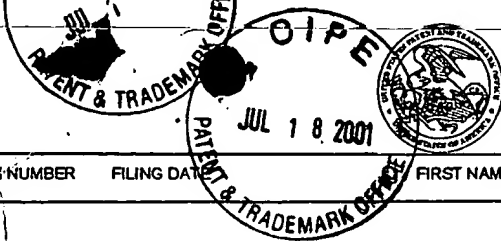
By: Charles A. Muserlian
Charles A. Muserlian #19,683
Attorney for Applicants
Tel.# (212) 661-8000

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APPLICATION NUMBER FILING DATE FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

09/612,382 07/07/00 BIGG

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OFFICE OF PETITIONS

CHARLES A MUSERLIAN
C/O BIERMAN MUSERLIAN AND LUCAS
600 THIRD AVENUE
NEW YORK NY 10016

NM11/0627

KIFLE, B

DATE MAILED:
1624

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

06/27/01

The request for continued examination (RCE) under 37 CFR 1.114 filed on 6/8/01 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☒ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Bruck Kifle, Examining Group 1624

(703) 30 5-4484

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